

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
SPECIAL PROVISION
ON-THE-JOB TRAINING PROGRAM

PURPOSE

The purpose of the On-the-Job Training (OJT) Program is to provide training for minority, female, and economically disadvantaged individuals, hereafter known as the targeted group, in order that they may develop marketable skills and gain journeyworker status in the skilled craft classifications in which they are being trained.

INTRODUCTION

- A. The OJT Program has been prepared through the cooperative efforts of the Associated General Contractors of North Dakota (AGC); the Federal Highway Administration (FHWA); and the North Dakota Department of Transportation (Department).
- B. Successful operation of the OJT Program requires that Contractors follow uniform and basic procedures in training, keeping records of trainee progress toward journeyworker status, and reporting each trainee's successful completion or termination from the OJT Program.
- C. The bidder's signature on the proposal sheet indicates the bidder agrees to take part in the OJT Program and to abide by the provisions of this OJT Program Special Provision.
- D. Projects funded solely with County funds and emergency relief projects that are not included in the Department of Transportation's bid openings will be excluded from the OJT Program.

FUNDING

The Department will establish an OJT Fund annually from which Contractors may bill the Department directly for eligible trainee hours. The funds for payment of trainee hours on federal-aid projects will be allocated from the 1/2 of 1% provided for OJT funding to a maximum of \$100,000. The funds for payment of trainee hours on state-aided projects will be allocated to a maximum of \$10,000.

ASSIGNMENT OF TRAINEE POSITIONS

- A. Trainee positions will be assigned to Contractors and will not be project specific. The number of trainee positions assigned will be determined by adding the total cost of the projects funded with federal highway dollars awarded by the Department to a Contractor from October 1 to September 30 of each year. The dollar value of projects subject to Tribal Employment Rights Ordinances (TERO), concrete pavement repair (CPR) projects, electrical projects, rest area projects, signing projects and striping projects will be excluded.
- B. In early April, a summary of the trainees required to date and an OJT Program package will be sent to participating Contractors. The package will also be provided to Contractors as they become eligible for trainees throughout the remainder of the year.

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The number of trainees assigned to each Contractor in the summary provided in April will increase proportionately, as shown in the following table, for any applicable federally funded projects awarded to them between April 1 and September 30. Projects awarded after September 30 will be included in the following year's OJT Program.

C. The number of trainees required will be assigned and will increase as follows:

1. Seal coat projects and projects where 75% of the work consists of hot bituminous paving.

\$ 4-7 million = 1 trainee
\$ 8-11 million = 2 trainees
\$12-15 million = 3 trainees
\$16-20 million = 4 trainees

Capped at \$ 20 million (no more than 4 total trainees required regardless of dollar amount).

2. All remaining projects.

\$ 3- 5 million = 1 trainee
\$ 6- 10 million = 2 trainees
\$11- 15 million = 3 trainees
\$16-20 million = 4 trainees

Capped at \$ 20 million (no more than 4 total trainees required regardless of dollar amount).

D. Contractors not qualifying for the OJT Program, or Contractors desiring to train more than the allotted number of trainees, may apply to the Department for additional training positions. Approval of additional positions will be at the sole discretion of the Department. The additional positions may be filled by individuals outside of the targeted groups. The Contractor may pay the reduced training rates to additional trainees outside of the targeted groups and receive hourly reimbursement for those individuals.

TRAINING PROGRAM APPROVAL

A. To use the OJT Program, the Contractor will notify the Department Civil Rights Office using the Request for On-the-Job Training Program Approval form SFN 9762. This form is included as Exhibit A in the Department's OJT Program package. A completed request form and the training curriculum must be submitted for each trainee in the OJT Program. Requests must be submitted by April 15 or within 15 days of notification of additional trainee assignments. The training curricula are included in the Department's OJT Program package.

B. The Contractor may request to train an individual in a classification not included in the OJT Program package. The request must be submitted, in its entirety, for approval by the Department and FHWA. Training programs for classifications not covered under the Davis-Bacon and Related Acts will be considered on a limited basis. If approved, the new classification must comply with the provisions specified in the OJT Program package. The request must include:

1. A training curriculum, including the classification requested, minimum number of hours required, and type of training the individual will receive to achieve journeyworker status.
 2. A minimum wage scale.
- C. The contractor may train an individual on a combination of equipment if each piece of equipment falls within the same groups of power equipment operators identified in the training curricula (groups 1-3 and 4-6). These power equipment operator groups are referenced to the federal Davis-Bacon wage rates contained in the contract proposal. As an example, a "utility operator" may receive training on a broom, a front-end loader up to 1 ½ cubic yards, or other piece of equipment that is used around a paver if each piece falls within either groups 1-3 or groups 4-6. When multiple wage rates apply, the trainee's wage will be based on the equipment being operated at the time or on the highest of the applicable wage rates.
- D. Use of the classification "pickup machine operator (asphalt dump-person)" as a group 4 power equipment operator is considered standard industry practice. The classification is defined as: "Operates the controls on the pickup machine that runs in front of the paver, trips the levers on the dump trucks, and balances the loads for the paver. The pickup machine operates on similar principles as a shouldering machine."

DEPARTMENT'S RESPONSIBILITIES

- A. Department project staff will monitor Contractor payrolls for payment of correct wage rates and fringe benefits. The Civil Rights Office will maintain a master list by Contractor name, trainee name, and trainee social security number to aid project staff in monitoring payrolls for trainees working on multiple projects.
- B. Targeted group trainees will be counseled periodically during their training period. The Contractor will make trainees available for counseling. To facilitate counseling sessions, Contractors will be contacted for the location of the trainees.

CONTRACTOR'S RESPONSIBILITIES

The Contractor:

- A. Will identify all trainees on the payrolls, e.g., Grp. 4 roller operator trainee. This includes trainees in job classifications not covered under the Davis-Bacon and Related Acts.
- B. Will assign each trainee to a particular person--either a supervisor or an employee proficient in the skill--who shall see that timely, instructional experience is received by the trainee. This person, cooperating with the company EEO Officer, will ensure that proper records are kept and the required training hours are completed according to the training curriculum.
- C. May terminate the training period of the trainee and advance the trainee to journeyworker status.
- D. Will notify the Department when a trainee completes the OJT Program. The Department will issue a certificate of completion to the trainee.

- E. May upgrade trainees from one power equipment operator group or truck driver group to another. Trainees upgraded will not be required to complete the entire number of hours assigned to the new training curriculum. The minimum number of hours required will be:

Power Equipment Operator Groups 4-6 to Groups 1-3 = 400 hrs.
Class C Truck Driver to Class B = 200 hrs.
Class B Truck Driver to Class A = 200 hrs.

Depending on the variety of experience the trainee has gained under the previous curriculum, the difference in the hours may be deducted from the actual operation of the piece of equipment or truck. The Contractor will need to review the trainee's past performance in order to make this determination.

- F. May transfer trainees from one project to another in order to complete the OJT Program. If transfers are made, the Civil Rights Office must be notified and the Contractor must document when the transfer was made. The training hours will count toward overall OJT Program completion.
- G. May use trainees on municipal, private, or other non-highway work and work performed out of state. The training hours will count toward overall OJT Program completion; however, no program reimbursement will be made for those hours. In addition, the hours will be limited to no more than 25% of the total hours required under the training curriculum.
- H. May reassign trainee positions to Subcontractors with the approval of the Department. OJT Program reimbursements will be made to the Prime Contractor.
- I. May use trainees on projects subject to TERO requirements as part of the core crew or as part of the skilled labor supplied by the Contractor.
- J. May NOT use one trainee to fill multiple trainee positions. For instance, a subcontractor may not use the same trainee to fill two or more trainee positions reassigned to them by prime contractors.

CLASSROOM TRAINING

- A. Classroom training may be used to train employees. The Contractor will submit a proposed classroom training curriculum to the Department for approval. The classroom training curriculum must define the type of training the individual will receive and the minimum number of hours required. The Department will determine the number of hours of credit each trainee will receive toward their training. Each classroom training curriculum must be pre-approved by the Department if the Contractor wishes to count the classroom hours as training hours.
- B. Contractors will be reimbursed for classroom training hours after the trainee has completed 80 hours of work on highway construction projects.
- C. With the exception of Qualified Testing Technicians, reimbursement for classroom training will be limited to 60 hours per trainee per construction season. Reimbursement for classroom training required under the Department's Transportation Technician Qualification Program will be at the Department's discretion.

WAGE RATES

- A. The minimum wage rates shall not be less than 60% of the journeyworker rate for the first two quarters of training, 75% of the journeyworker rate for the third quarter, and 90% of the journeyworker rate for the fourth quarter. In no case shall the minimum wage be less than the Group 1 Laborer rate contained in federal-aid highway construction contracts. Trainees shall be paid full fringe benefit amounts, where applicable. The minimum wage scales for each classification are included in the Department's OJT Program package.
- B. At the completion of the OJT Program, the trainee shall receive the wages of a skilled journeyworker.
- C. For the purpose of the OJT Program, a quarter is 25% of the hours worked by each trainee and does not represent three months of the year. The first two quarters of a 550-hour training curriculum would end after 275 hours, the third quarter after 138 hours, and the fourth after 137 hours.

RECRUITMENT AND SELECTION PROCEDURES

A. Prerequisite for Trainees

To be qualified for enrollment in the OJT Program, trainees must possess basic physical fitness for the work to be performed, dependability, willingness to learn, ability to follow instructions, and an aptitude to maintain a safe work environment.

B. Licenses

Truck driver trainees must possess appropriate driver permits or licenses for the operation of Class A, B, and C trucks. When an instructional permit is used in lieu of a license, the trainee must be accompanied by an operator who:

1. Holds a license corresponding to the vehicle being operated;
2. Has had at least one year of driving experience; and
3. Is occupying the seat next to the driver.

C. Recruitment

1. Notices and posters setting forth the Contractor's Equal Employment Opportunity Policy and the availability of the OJT Program will be placed in areas readily accessible to employees, applicants for employment, and potential employees.
2. The Contractor must employ minority, female, or economically disadvantaged individuals for all trainee positions assigned according to the OJT Program. Additional positions requested by the Contractor may be filled by individuals outside of the targeted groups.
3. The Contractor will conduct systematic and direct recruitment through public and private employee referral sources.

4. Present employees will be screened for upgrading.

D. Selection

1. The selection and employment of a person by a participating Contractor shall qualify the person for the OJT Program.
2. Employment of trainees will be in accordance with the workforce requirements of the Contractor. Each Contractor will hire and train the trainees for use in their own organization.
3. Contractors must submit the trainee's name and a completed application form to the Civil Rights Office for review and approval. Approval must be obtained before the trainee can begin work under the OJT Program.
4. The economically disadvantaged certification can only be obtained from Job Service North Dakota. Written certification of individuals under this category can be provided to the Contractor at the time of the interview if the applicant is referred by Job Service. Any person wishing to obtain this certification must apply to Job Service for screening. This certification must be provided to the Civil Rights Office with the other required information as part of the approval process for trainees.

BASIS OF PAYMENT

- A. Contractors will be paid \$4.00 for each hour of training provided according to the OJT Program.
- B. Program reimbursement will be made directly to the Prime Contractor. To request reimbursement, Prime Contractors must complete the Voucher for On-the-Job Training Program Hourly Reimbursement form SFN 51023 for each trainee in the OJT Program. This form is included as Exhibit B in the Department's OJT Program package. The completed form must be submitted to the Civil Rights Office for approval.